THE HON'BLE MR JUSTICE B.PRAKASH RAO

and

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO : 2018 of 2005

Dated : 07.11.2005

Between:

The Depot Manager, APSRTC, Nandyal Depot,
Kurnool District.

..... APPELLANT

AND

C.Yenganna, s/o Sri Ramaiah,
R/o Kurnool and another.

.....RESPONDENTS

JUDGMENT (per Sri Justice B.Prakash Rao):

Heard Sri P.Vinayakaswamy, learned counsel for the appellant,
Sri G.Ravi Mohan, learned counsel for the first respondent and Government Pleader for Labour, and at their request the main appeal itself is taken up for disposal.

The appellant is the Corporation/Management, who seeks to assail the order, dated 11.08.2005, passed by the learned Single Judge in W.P.No. 22462 of 1998 filed at the instance of the first respondent herein, who is an employee of the appellant corporation and whose services were sought to be terminated having found certain irregularities while conducting the bus. After framing charges and conducting

enquiry, he was removed from service. On raising a dispute, the Labour Court, after holding enquiry, interfered with the punishment and directed the appellant to reinstate the first respondent with continuity of service, however, denied the back wages and other attendant benefits and further directed to defer an annual increment of the first respondent for a period of two years with cumulative effect. The learned Single Judge, having considered the submissions on either side, interfere with the latter portion of the award of the Labour Court on the ground that it virtually amounts to double punishment and held that the question of denying back wages and also stoppage of to increments with cumulative effect does not arise.

Having regard to the discretion exercised by the learned Single Judge more so in the circumstances of the case, we do not find any merits to interdict the order of the learned Single Judge.

Accordingly, the Writ Appeal is dismissed. No costs.

(B.PRAKASH RAO,J)

Dated 7th November, 2005.

(Dr.G.YETHIRAJULU, J)

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